

201-15689



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 04 2004

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

George M. Rusch, Ph.D., DABT, FATS  
Director of Toxicology and Risk Assessment  
Honeywell  
P.O. Box 1139  
Morristown, NJ 07962-1139

Dear Dr. Rusch:

Thank you for your letters dated October 22, 2002, and November 30, 1999, to the U.S. Environmental Protection Agency (EPA), regarding the High Production Volume (HPV) Challenge Program. I apologize for the lengthy delay in responding to your request.

Your letters request that the ten chemicals described below be removed from the HPV Challenge Program for the reasons shown. As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk) in March, 1999. The determinations that chemicals do not meet the "no longer HPV" criteria is based on EPA's review of all the pertinent Inventory Update Rule (IUR) data from 1998 and 2002. In addition, for those chemicals shown as "not sponsored" EPA encourages companies to consider sponsoring the chemical or to encourage other companies regarding possible sponsorship of this chemical.

Your letter states that the following five chemicals: Solvent naphtha (CAS No. 65996-79-4), Extracts, coal tar oil alkaline (CAS No. 65996-83-0), Coal tar oil alkaline extract residue (CAS No. 65996-87-4), Extract residues, coal tar oil alkaline, naphthalene distillation residues (CAS No. 73665-18-6), and Naphthalene (CAS No. 91-20-3) are no longer manufactured by Honeywell. The Agency has received several letters from companies who state that they no longer manufacture or import HPV chemicals for which they filed reports under the 1990 IUR and which are consequently included on the HPV Challenge Program Chemical List. The Agency will post all such letters on the Chemical Right-to-Know (ChemRTK) website ([www.epa.gov/chemrtk](http://www.epa.gov/chemrtk)) so that the general public and other interested stakeholders may see that a specific company is no longer associated with the manufacture or importation of a specific chemical.

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The following summary represents four of the ten chemicals for which you have requested removal from the HPV Chemical List. Also, included is our response to your request for each chemical.

Chemical	CAS #	Status/EPA Response
Coal Tar Pitch	65996-93-2	Listed on the HPV Chemical List as "Pitch, coal tar, high temp." Is sponsored by OECD HPV SIDS Initiative.
Coal tar, high temperature. It is a mixture, similar to CAS No. 8007-45-2	65996-89-6	Listed on the HPV Chemical List as "Tar, coal, high temp." Not currently sponsored, still considered to meet HPV criteria. CAS No. 8007-45-2 is also currently not sponsored.
Coal tar oil A mixture, predominantly of naphthalene (CAS No. 91-20-3) and phenol (CAS No. 108-95-2)	65996-82-9	Listed on HPV Chemical List as "Tar oils, coal." Not sponsored and still meets the HPV criteria. CAS numbers 108-95-2 and 91-20-3 are OECD SIDS sponsored chemicals.
Coal tar upper distillate A mixture similar to creosote	65996-91-0	Listed on HPV Chemical List as "Distillates, coal tar upper." Not sponsored and still meets the HPV criteria.

Regarding your request that Creosote (CAS No. 8001-58-9) be removed from the HPV Challenge Program because it is a registered pesticide under the Federal Insecticide, Fungicide and Rodenticide ACT (FIFRA). A chemical may be excluded from the definition of a chemical substance subject to TSCA subsection 3(2)(B) and IUR reporting requirements; however, that does not necessarily indicate that it is to be excluded from the HPV Challenge Program. Many chemicals used as pesticides also have TSCA related uses and are produced at HPV levels. These uses and production levels would preclude EPA from removing the chemical(s) from the HPV Chemical List. Although creosote is a registered pesticide, it appears to also have uses that fall within the jurisdiction of TSCA. Specifically, creosote continues to be reported to the IUR as recently as the 2002 reporting period at production levels greater than 1 million pounds.

While creosote may be registered under FIFRA, it is EPA's position that chemicals tested and approved under other Federal agency programs may contain data gaps in areas which are elements of the HPV Challenge Program. Furthermore, exposure scenarios may be different and may have the potential to cause adverse impacts on health or the environment. In addition, the data supporting the registration of chemicals under FIFRA may not be publicly available because of confidentiality claims. However, data submitted under FIFRA could be submitted to the HPV Challenge Program by a manufacturer in the form of robust summaries and thus allow it to become public.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov).

Sincerely,

Wardner G. Penberthy  
Acting Director  
Chemical Control Division

cc: Samuel Visnic, Honeywell  
James Keith, ACC  
AR201